

FILED

JAN 17 2025

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Heidi D. Campbell, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

for the

NORTHERN District of OKLAHOMA

Division

Case No.

25 CV - 028 SEH - SH

(to be filled in by the Clerk's Office)

ERNEST COLBERT

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

VIC REGALADO OFFICIAL
STAFF SERGEANT CAPACITYDEPUTY SHERIFFOFFICIAL CAPACITY, INDIVIDUAL CAPACITY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

ERNEST COLBERT

Street Address

9901 NORTH INTERSTATE-35 SERVICE ROAD

City and County

OKLAHOMA CITY, OKLAHOMA

State and Zip Code

OKLAHOMA 73131

Telephone Number

E-mail Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name SILKILLER
Job or Title (if known) ~~SHERIFF~~ DEPUTY
Street Address 300 NORTH DENVER
City and County TULSA, TULSA COUNTY
State and Zip Code OKLAHOMA, 74126
Telephone Number
E-mail Address (if known)

Defendant No. 2

Name VIC RECALADO
Job or Title (if known) SHERIFF
Street Address 300 NORTH DENVER
City and County TULSA, TULSA COUNTY
State and Zip Code OKLAHOMA, 74126
Telephone Number
E-mail Address (if known)

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

UNITED STATES CONSTITUTION'S 5TH AMENDMENT

ARTICLE 11 § 7
OF THE

UNITED STATES CONSTITUTION'S 14TH AMENDMENT

OKLAHOMA CONSTITUTION

DUE PROCESS CLAUSE OF LIBERTY (PRETRIAL DETAILER) FIVE OF FOURTH AMENDMENT
42 U.S.C. § 1983

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of
the State of (name) _____ . Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1) THE TULSA COUNTY SHERIFF'S DEPARTMENT UNDER THE DIRECTION OF SHERIFF RECALADO HAS A LONGSTANDING CUSTOM AND PRACTICE OF VIOLATING DETENTIONED DEFENDANTS WITH DENIAL OF THE PLAINTIFF'S CONSTITUTIONAL RIGHTS SECURED BY THE 5TH 14TH AMENDMENTS DUE PROCESS CLAUSE OF LIBERTY AS A DETENTIONED DEFENDANT

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1) PLAINTIFF ASK FOR JUST TRIAL

2) PLAINTIFF ASKS FOR COMPENSATORY DAMAGES AS WELL AS PUNITIVE DAMAGES

3) 42 U.S.C. 1983

4) UNITED STATES CONSTITUTION 5TH AMENDMENT SUBSTANTIVE DUE PROCESS AND 14TH AMENDMENT DUE PROCESS CLAUSE OF LIBERTY

1 STATEMENT OF CLAIM

2

3 ON OR ABOUT JUNE 28TH, OF 2021, I WAS BEING
 4 BOOKED IN TO THE TULSA COUNTY JAIL (DAVID L. MOSS)
 5 DURING THIS PROCESS I WAS ALLOWED TO USE THE
 6 PHONE TO CONTACT MY FAMILY, WHILE MAKING
 7 CONNECTION THE DEPUTY REACHED OVER MY SHOULDER
 8 AND PRESSED THE DISCONNECT LEVER. I TURNED
 9 AND SAW THE DEPUTY'S NAME, AND ASK HIM "WHY DID
 10 YOU STOP MY CALL? I WAS GIVEN PERMISSION TO
 11 MAKE THAT CALL." HE SAYS "SHUT THE FUCK UP AND
 12 SIT THE FUCK DOWN." I DID AS INSTRUCTED.

13 SOMETIME LATER DURING THE BOOKING PROCESS
 14 AS THE DEPUTY (SIXKILLER) WAS COMING FROM PRE-
 15 BOOKING, I WAS SITTING IN THE HALLWAY WAITING
 16 FOR THE JAIL UNIFORM. I SAID OUT TO HIM "THAT WAS
 17 CRUD - BLOODED YOU DISCONNECTING MY PHONE CALL. I
 18 REALLY NEEDED THAT CALL." DEPUTY SIXKILLER ONCE AGAIN,
 19 SHOUTED TO ME "SHUT THE FUCK UP." I RESPONDED BY
 20 CALLING HIM A "DICKHEAD", THE DEPUTY THEN TURNED AND
 21 PULLED OUT HIS TASER, AND SHOT ME AS I SAT HIM MY
 22 CHAIR.

23 I YELLED OUT IN EXTREME PAIN, AND FELL TO THE
 24 FLOOR. ASKING "WHAT DID I DO?"

25 MEDICAL CAME AND REMOVED THE HORN, AND TOLD
 26 ME I WOULD BE FINE

27 I THEN WAS TAKEN TO THE HOLDING UNIT AND
 28 PROVIDED A CELL.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/07/25

Signature of Plaintiff

Earnest Colbert, III

Printed Name of Plaintiff

ERNEST COLBERT PRO-SE

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

ERNEST COBBET # 251203

CLARENCE COMMUNITY CORRECTIONS CENTER

9901 NORTH INDEPENDENT - 35 SERVICE ROAD

OKLAHOMA CITY, OKLAHOMA 73131

OKLAHOMA CITY OK 730

15 JAN 2025 PM 6 L

RECEIVED

JAN 17 2025

Heidi D. Campbell, Clerk
U.S. DISTRICT COURT

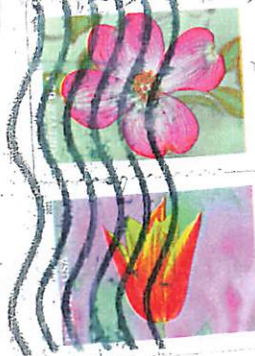
UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

333 WEST 4TH STREET

TULSA, OKLAHOMA

7403



Postmarked 1/15/25

25 CV - 028 SEH - SH

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